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By Email (Karen_folan@mad.uscourts.gov)

Judge Allison D. Burroughs
United States District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: *Astellas Institute for Regenerative Medicine, et al. v. ImStem Biotechnology, Inc., et al.*, C.A. No. 1:17-12239-ADB

Dear Judge Burroughs:

This matter is scheduled for a status conference on Wednesday, August 26, 2020. At last week's pretrial conference, the Court had allowed the parties to submit briefs on the question of preemption. The Defendants initiated a meet-and-confer process pursuant to Local Rule 7.1 in order to eliminate or narrow the issue. Due to an apparent miscommunication, the Plaintiff nonetheless filed a brief on the issue (ECF No. 227) at the same time defense counsel advised that the Defendants would not be pursuing the preemption defense. In any event, we are writing to advise the Court that preemption is no longer an issue that needs to be addressed by the Court.

The Defendants expect the parties will be preparing a stipulation that will include withdrawal of the preemption defense as well as the Plaintiff's breach of contract and trade secrets claims.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Timothy R. Shannon

Timothy R. Shannon

TRS/lep
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